IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
APPEAL FROM ORDER NO.388 OF 2005

Shri Prakash Vannayya Shettigar Appellant

Vs.

Shri Narayan Loku Shettigar & anr. Respondents

Ms.Meenakshi D.Patil for appellant.
Mr.V.K.Pradhan for respondent no.1.

CORAM: B.H.MARLAPALLE,J.
July 18, 2005.

P.C.

1. The notification issued under the Bombay Civil Courts Act does not assist the cause of the appellant and the findings recorded by this Court in Prajakta George Robin's case **[2004 (5) Bom.C.R. 16]** are clear. At the first instance the application will have to be presented to the District Court at Thane.

2. The learned counsel for the appellant prays that the proceedings filed before the Addl. District Judge at Kalyan be transferred to the District Court at Thane rather than returning the plaint and filing fresh proceedings at Thane. The exception made by this Court was only in that case. It cannot be treated as a matter of course. The petitioner-husband is staying at Mumbai and it is not

that he is staying at Kalyan. It would be, therefore, necessary that he files proceedings before the District Court at Thane seeking the custody of his minor child. NO interference is called for in the impugned order. The appeal is, therefore, rejected in limine.

(B.H.MARLAPALLE,J.)